

WSR 26-04-001
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Home and Community Living Administration)
[Filed January 21, 2026, 12:00 p.m.]

Subject of Possible Rule Making: The department of social and health services (department) is considering amending chapter 388-76 WAC, Adult family home minimum licensing requirements; chapter 388-78A WAC, Assisted living facility licensing rules; chapter 388-101 WAC, Certified community residential services and supports; and chapter 388-107 WAC, Licensing requirements for enhanced services facilities. This rule making may result in amending current rules, adopting new sections of rule, and repealing existing sections of rule. Updates to other related rules may be required. As needed, amendments will also make changes required to improve clarity, update policy, or better align rule language with state and federal law or regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090, 70.97.230, 70.128.040, 71A.12.030, 74.09.520(2), and 74.39A.007.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making is needed to comply with federal Centers for Medicare and Medicaid [Services] (CMS) access rule. Compliance with the regulations is necessary to administer the state's medicaid funded long-term services and supports programs. This rule making is specific to reporting of "critical incidents" under 42 C.F.R. 441.302 (a)(6)(i)(A)(5). Additional areas may be addressed if identified as necessary to comply with federal rule.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will share draft rules with CMS and make changes as needed for compliance with the federal requirements.

Process for Developing New Rule: Negotiated rule making; and the department will use a negotiated rule-making process for chapter 388-76 WAC. For chapters 388-78A, 388-101, and 388-107 WAC, the department will use a collaborative rule-making process to consult with internal and external interested parties in the development and review of the draft rules. The department invites the public to give input on the draft language for proposed rule changes. More information is available by contacting the residential care services policy unit as provided below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Colleen Jensen, P.O. Box 45600, Olympia, WA 98506, phone 360-725-2300, fax 360-438-7903, TTY 711 relay service, email rcspolicy@dshs.wa.gov.

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